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**OFFICE OF PETITIONS**

In re Application of  
Appelman  
Application No. 09/873,272  
Filed: June 5, 2001  
Attorney Docket No. 06975-054001/Network  
02

: DECISION ON PETITION  
: UNDER 37 CFR 1.78(a)(3)  
:

This is a decision on the reconsideration petition under 37 CFR 1.78(a)(3), filed September 27, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed Application Data Sheet.

The petition is **DISMISSED**.

Any request for reconsideration should be submitted within two months of the mail date of this decision. No additional petition fee is required.

A final Office action was mailed in this application on September 7, 2006. The examiner of record has indicated that the proposed amendment to claim priority to the prior-filed applications raises new issues that would require further consideration and/or search.

**The submission of an RCE is a condition for acceptance of the late claim for priority under 37 CFR 1.78(a)(3) in this instance.** Please remember that time period for reply set in the September 7, 2006 final Office action continues to run.

Further correspondence with respect to this matter should be addressed as follows:

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Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

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